

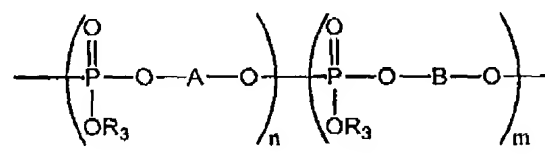
K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 3

Amendments To The Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of claims:

1. (Original) A biodegradable polyphosphate having at least one phosphate group in the main chain of the polymer and the polymer having at least one positively charged or positively chargeable group and at least one hydrophobic moiety, wherein the polymer comprises repeat units of the formula:



wherein

A and B can be the same or different and are each independently selected from the group consisting of C₁₋₂₀alkylene, C₃₋₂₀cyclic alkylene, C₅₋₂₀arylene, C₅₋₂₀heteroarylene, C₃₋₂₀cyclic heteroalkylene, a hydrophilic divalent linker group, and (CH₂CH₂O)_xCH₂CH₂, such that A, B or both A and B comprise a positively charged or positively chargeable functional group in the mainchain and A, B or both A and B can be optionally substituted with one or more neutral or charged hydrophilic groups or hydrophobic groups;

R₃ is C₁₋₂₀alkyl, C₅₋₂₀aryl, C₅₋₂₀heteroaryl, C₃₋₈heteroalicyclic, C₃₋₈cycloalkyl, C₇₋₂₀aralkyl or C₃₋₈cycloalkyl C₁₋₂₀alkyl; and

each occurrence of R₃ can be optionally substituted with one or more neutral or charged groups or one or more hydrophobic moieties;

x is an integer between about 1 and about 100;

m and n are independently selected non-negative integers; and

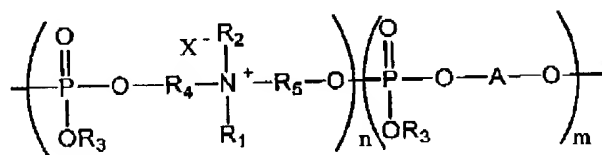
K. Leong, et al.
U.S.S.N.: 09/871,602
Page 4

$$m + n > 1.$$

2. (Original) A polymer of claim 1, wherein the polymer is amphiphilic.
3. (Original) A polymer of claim 1, wherein the polymer has a net positive charge.
4. (Original) A polymer of claim 1 wherein the polymer is biocompatible before, during and upon biodegradation.
5. (Original) A polymer of claim 1, wherein the positively charged groups are integral to the main chain of the polymer or are present in a phosphate side chain group.
6. (Original) A polymer of claim 1, wherein the hydrophobic moieties are groups pendant from the polymer main chain and each hydrophobic group is linked to a phosphate group or a charged group that is integral to the main-chain of the polymer.
7. (Original) A polymer of claim 1 further comprising a hydrophilic group which can be neutral or charged, the hydrophilic group either can be integral to the polymer main chain or can be a pendant group that is linked to the main chain.
8. (Original) A polymer of claim 1, wherein the biodegradable polymer has between about 5 and about 2,000 phosphate groups in the backbone.
9. (Original) A polymer of claim 1, wherein the biodegradable polymer has a molecular weight of between about 1000 and 1,000,000.
10. (Cancelled).

K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 5

11. (Currently Amended) A polymer of ~~claim 10~~ claim 1, wherein the polymer comprises repeat units according to the formula:



wherein

R₄, R₅ and A are each independently chosen from the group consisting of C₁₋₂₀alkylene, C₃₋₂₀cycloalkylene, divalent neutral or charged hydrophilic moieties, -(CH₂CH₂O)_xCH₂CH₂-;

x is an integer from 1 to about 100;

R₁ is hydrogen, C₁₋₃₆alkyl, C₂₋₃₆alkenyl, C₂₋₃₆alkynyl, C₃₋₂₀cycloalkyl, C₃₋₈cycloalkylC₁₋₃₆alkyl, C₇₋₁₈aralkyl, C₃₋₂₀heteroalicyclic, or (CH₂)_n-Y-Z group;

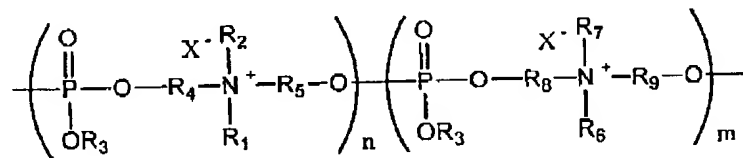
Y is an -O-, -CO₂-, -NHCO₂-, or -OCO₂- functional group;

Z is C₁₋₃₆alkyl, C₂₋₃₆alkenyl, C₂₋₃₆alkynyl, C₃₋₂₀cycloalkyl, C₃₋₈cycloalkylC₁₋₃₆alkyl, C₇₋₁₈aralkyl, poly(ethylene glycol)-C₁₋₃₆alkyl ether or a steroid derivative;

R₂ is absent, hydrogen, C₁₋₃₆alkyl, C₃₋₂₀cycloalkyl, C₃₋₂₀heteroalicyclic, C₇₋₁₈aralkyl, or C₃₋₈cycloalkyl C₁₋₃₆alkyl; and

X⁻ is a biocompatible anion.

12. (Original) A polymer of claim 11, wherein the polymer comprises repeat units according to the formula:



wherein

K. Leong, et al.
U.S.S.N.: 09/871,602
Page 6

R_4 , R_5 , R_8 and R_9 are independently selected at each occurrence from the group consisting of C_{1-36} alkylene, C_{5-36} cycloalkylene, and poly(ethyleneglycol) alkyl ether, each occurrence of R_4 , R_5 , R_8 and R_9 can be optionally substituted with a neutral or charged hydrophilic group selected from the group consisting of hydroxyl, hydroxy C_{1-8} alkyl, amino C_{1-8} alkyl, N - C_{1-8} alkyl amino C_{1-8} alkyl, N,N -di C_{1-8} alkyl amino C_{1-8} alkyl, amino, N - C_{1-8} alkylamino, N,N -di C_{1-8} alkylamino, N,N,N -tri C_{1-8} alkylamino, amide, carboxylate, sulfate, and phosphate;

R_2 and R_7 are each independently at each occurrence either absent or are selected from the group consisting of hydrogen, C_{1-36} alkyl, C_{3-20} cycloalkyl, C_{3-20} heteroalicyclic, C_{7-18} aralkyl, and C_{3-8} cycloalkyl C_{1-36} alkyl;

R_3 is C_{1-36} alkyl, C_{3-20} cycloalkyl, C_{3-20} heteroalicyclic, C_{7-18} aralkyl, or C_{3-8} cycloalkyl C_{1-36} alkyl;

R_1 and R_6 are each independently selected groups chosen at each occurrence from the group consisting of hydrogen, C_{1-36} alkyl, poly(ethylen glycol) alkyl ether, $(CR_{10}R_{11})_b$ -Y-Z;

Y is $-OCO_2$ - or $-NR_{10}CO_2$;

Z is alkyl, poly(ethylen glycol) alkyl ether or a steroid derivative;

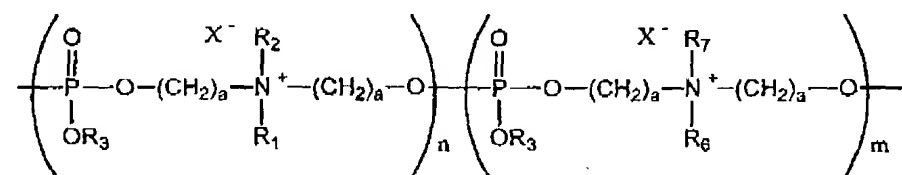
R_{10} and R_{11} are each independently selected at each occurrence from the group consisting of hydrogen and C_{1-6} alkyl;

b is a positive integer;

$m+n \geq 1$; and

$n \geq 1$.

13. (Original) A polymer of claim 11, wherein the polymer comprises repeat units according to the formula:



K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 7

wherein

R_2 and R_7 are each independently selected at each occurrence to be absent, hydrogen or C_{1-20} alkyl;

R_1 and R_6 are each independently selected at each occurrence to be hydrogen, C_{1-36} alkyl or $(CH_2)_b-N(R_{10})CO_2-Z$;

R_{10} is independently chosen at each occurrence to be hydrogen or C_{1-6} alkyl;

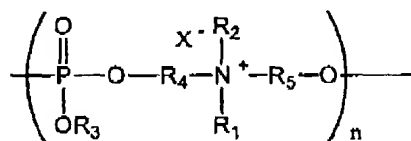
Z is independently chosen at each occurrence of Z to be alkyl, $(CH_2CH_2O)_xCH_2CH_3$ or a steroid derivative;

a is an positive integer;

b is a positive integer; and

x is an integer from about 1 to about 20.

14. (Original) A polymer of claim 1, wherein the polymer comprises repeat units according to the formula:



wherein

R_1 is independently selected groups chosen at each occurrence from the group consisting of hydrogen, C_{1-36} alkyl, poly(ethylene glycol) alkyl ether, $(CR_{10}R_{11})_b-Y-Z$;

Y is $-OCO_2-$ or $-NR_{10}CO_2-$;

Z is C_{1-36} alkyl, poly(ethylene glycol) alkyl ether or a steroid derivative;

R_2 is independently selected at each occurrence to be absent, hydrogen, or a C_{1-36} alkyl;

R_3 is C_{1-36} alkyl;

R_4 and R_5 are each independently chosen from the group consisting of C_{1-36} alkylenc, C_{3-36} cycloalkylene, divalent neutral or charged hydrophilic moieties, $-(CH_2CH_2O)_xCH_2CH_2$;

K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 8

R_{10} and R_{11} are each independently selected at each occurrence from the group consisting of hydrogen and C_{1-6} alkyl;

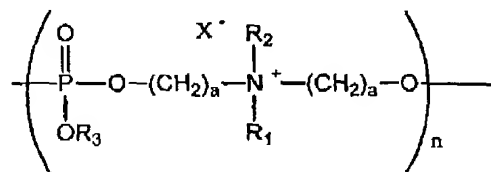
x is an integer from about 1 to about 100;

X^- is a biocompatible anion;

b is a positive integer; and

n is an integer between about 5 and about 2,000.

15. (Original) A polymer of claim 14, wherein the polymer comprises repeat units according to the formula:



wherein

R_2 and R_3 are each independently selected C_{1-6} alkyl groups;

R_1 is independently selected groups chosen at each occurrence from the group consisting of C_{8-24} alkyl, poly(ethylene glycol) alkyl ether, $(\text{CR}_{10}\text{R}_{11})_b\text{-Y-Z}$;

Y is $-\text{OCO}_2-$ or $-\text{NR}_{10}\text{CO}_2-$;

Z is C_{1-36} alkyl, poly(ethylene glycol) alkyl ether or a steroid derivative;

R_{10} and R_{11} are each independently selected at each occurrence from the group consisting of hydrogen, methyl and ethyl;

X^- is a biocompatible anion;

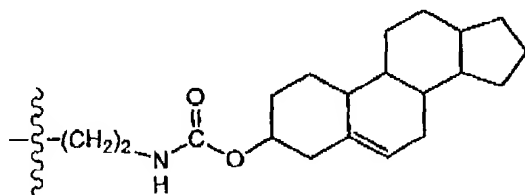
a is an positive integer;

b is a positive integer; and

n is an integer between about 5 and about 2,000.

16. (Original) A polymer of claim 15, wherein R_1 is a group according to the formula

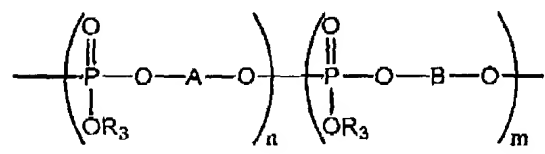
K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 9



wherein the steroid ring structure can optionally be substituted at one or more steroid ring atoms with one or more substituents chosen from the group consisting of C_{1-12} alkyl, C_{2-12} alkenyl, C_{2-12} alkynyl, and C_{3-8} cycloalkyl and two or more substituents can combine to form additional carbocyclic or heteroalicyclic rings which can be fused or spiro to the steroid ring structure; or

R_1 is $-(CH_2)_2NHCO_2-R$, wherein R is a straight chain alkyl group having from about 10 to about 24 carbon atoms.

17. (Currently Amended) A biodegradable polymeric micelle comprising a biodegradable, amphiphilic polyphosphate having at least one phosphate group in the main chain of the polymer and the polymer having at least one positively charged or positively chargeable group and at least one hydrophobic moiety, wherein the polymer comprises repeat units of the formula:



wherein

A and B can be the same or different and are each independently selected from the group consisting of C_{1-20} alkylene, C_{3-20} cyclic alkylene, C_{5-20} arylene, C_{5-20} heteroarylene, C_{3-20} cyclic heteroalkylene, a hydrophilic divalent linker group, and $(CH_2CH_2O)_xCH_2CH_2-$; such that A, B or both A and B comprise a positively charged or positively chargeable functional group in the

K. Leong, et al.
U.S.S.N.: 09/871,602
Page 10

mainchain and A, B or both A and B can be optionally substituted with one or more neutral or charged hydrophilic groups or hydrophobic groups;

R₃ is C₁₋₂₀alkyl, C₃₋₂₀aryl, C₃₋₂₀heteroaryl, C₃₋₈heteroalicyclic, C₃₋₈cycloalkyl, C₇₋₂₀aralkyl or C₃₋₈cycloalkyl C₁₋₂₀alkyl; and

each occurrence of R₃ can be optionally substituted with one or more neutral or charged groups or one or more hydrophobic moieties;

x is an integer between about 1 and about 100;

m and n are independently selected non-negative integers; and

m + n ≥ 1.

18. (Original) A micelle of claim 17, wherein the positively charged groups are integral to the main chain of the polymer or are present in a phosphate side chain group.

19. (Original) A micelle of claim 17, wherein the hydrophobic moieties are groups pendant from the polymer main chain and each hydrophobic group is linked to a phosphate group that is integral to the main chain.

20. (Original) A micelle of claim 17, wherein the micelles have a diameter of about 50 nm to about 500 nm.

21. (Original) A micelle of claim 17, wherein the micelle can further comprise one or more negatively charged or neutral biologically active substances.

22. (Original) A micelle of claim 21, wherein the negatively charged or neutral biologically active substances are selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

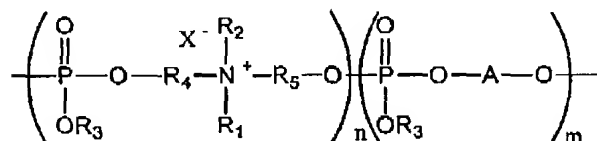
23. (Cancelled).

K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 11

24. (Currently Amended) A micelle of ~~claim 23~~claim 17, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

25. (Original) A micelle of claim 24, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

26. (Currently Amended) A micelle of ~~claim 23~~claim 17, wherein the polymer comprises repeat units according to the formula:



wherein

R₄, R₅ and A are each independently chosen from the group consisting of C₁₋₂₀alkylene, C₃₋₂₀cycloalkylene, divalent neutral or charged hydrophilic moieties, -(CH₂CH₂O)_xCH₂CH₂-;

x is an integer from 1 to about 100;

R₁ is hydrogen, C₁₋₃₆alkyl, C₂₋₃₆alkenyl, C₂₋₃₆alkynyl, C₃₋₂₀cycloalkyl, C₃₋₈cycloalkylC₁₋₃₆alkyl, C₇₋₁₈aralkyl, C₃₋₂₀heteroalicyclic, or (CH₂)_n-Y-Z group;

Y is an -O-, -CO₂-, -NHCO₂-, or -OCO₂- functional group;

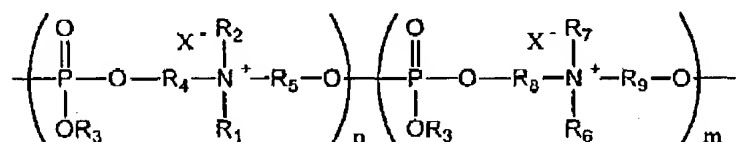
Z is C₁₋₃₆alkyl, C₂₋₃₆alkenyl, C₂₋₃₆alkynyl, C₃₋₂₀cycloalkyl, C₃₋₈cycloalkylC₁₋₃₆alkyl, C₇₋₁₈aralkyl, poly(ethylene glycol)-C₁₋₃₆alkyl ether or a steroid derivative;

R₂ is absent, hydrogen, C₁₋₃₆alkyl, C₃₋₂₀cycloalkyl, C₃₋₂₀heteroalicyclic, C₇₋₁₈aralkyl, or C₃₋₈cycloalkyl C₁₋₃₆alkyl; and

X⁻ is a biocompatible anion.

K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 12

27. (Currently Amended) A micelle of ~~claim 23~~claim 17, wherein the polymer comprises repeat units according to the formula:



wherein

R₄, R₅, R₈ and R₉ are independently selected at each occurrence from the group consisting of C₁₋₃₆alkylene, C₅₋₃₆cycloalkylene, and poly(ethyleneglycol) alkyl ether, each occurrence of R₄, R₅, R₈ and R₉ can be optionally substituted with a neutral or charged hydrophilic group selected from the group consisting of hydroxyl, hydroxy C₁₋₈alkyl, amino C₁₋₈alkyl, N- C₁₋₈alkyl amino C₁₋₈alkyl, N,N-di C₁₋₈alkyl amino C₁₋₈alkyl, amino, N- C₁₋₈alkylamino, N,N,di C₁₋₈alkylamino, N,N,N-tri C₁₋₈alkylamino, amide, carboxylate, sulfate, and phosphate;

R₂ and R₇ are each independently at each occurrence either absent or are selected from the group consisting of hydrogen, C₁₋₃₆alkyl, C₃₋₂₀cycloalkyl, C₃₋₂₀heteroalicyclic, C₇₋₁₈aralkyl, and C₃₋₈cycloalkyl C₁₋₃₆alkyl;

R₃ is C₁₋₃₆alkyl, C₃₋₂₀cycloalkyl, C₃₋₂₀heteroalicyclic, C₇₋₁₈aralkyl, or C₃₋₈cycloalkyl C₁₋₃₆alkyl;

R₁ and R₆ are each independently selected groups chosen at each occurrence from the group consisting of hydrogen, C₁₋₃₆alkyl, poly(ethylene glycol) alkyl ether, (CR₁₀R₁₁)_b-Y-Z;

Y is -OCO₂⁻ or -NR₁₀CO₂⁻;

Z is alkyl, poly(ethylene glycol) alkyl ether or a steroid derivative;

R₁₀ and R₁₁ are each independently selected at each occurrence from the group consisting of hydrogen and C₁₋₆alkyl;

b is a positive integer;

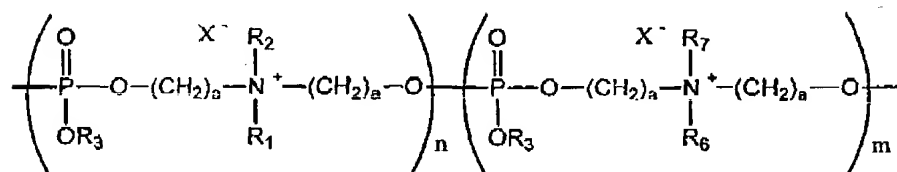
m+n≥1; and

n≥1.

K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 13

28. (Original) A micelle of claim 27, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

29. (Currently Amended) A micelle of ~~claim 23~~claim 17, wherein the polymer comprises repeat units according to the formula:



wherein

R₂ and R₇ are each independently selected at each occurrence to be absent, hydrogen or C₁₋₂₀alkyl;

R₁ and R₆ are each independently selected at each occurrence to be hydrogen, C₁₋₃₆alkyl or (CH₂)_b-N(R₁₀)CO₂-Z;

R₁₀ is independently chosen at each occurrence to be hydrogen or C₁₋₆alkyl;

Z is independently chosen at each occurrence of Z to be alkyl, (CH₂CH₂O)_xCH₂CH₃ or a steroid derivative;

a is an positive integer;

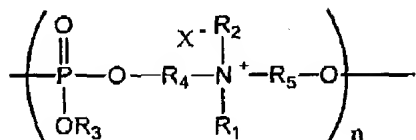
b is a positive integer; and

x is an integer from about 1 to about 20.

30. (Original) A micelle of claim 29, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

K. Leong, et al.
 U.S.S.N.: 09/871,602
 Page 14

31. (Original) A micelle of claim 17, wherein the polymer comprises repeat units according to the formula:



wherein

R₁ is independently selected groups chosen at each occurrence from the group consisting of hydrogen, C₁₋₃₆alkyl, poly(ethylene glycol) alkyl ether, (CR₁₀R₁₁)₆-Y-Z;

Y is -OCO₂⁻ or -NR₁₀CO₂⁻;

Z is C₁₋₃₆alkyl, poly(ethylene glycol) alkyl ether or a steroid derivative;

R₂ is independently selected at each occurrence to be absent, hydrogen, or a C₁₋₃₆alkyl;

R₃ is C₁₋₃₆alkyl;

R₄ and R₅ are each independently chosen from the group consisting of C₁₋₃₆alkylene, C₃₋₃₆cycloalkylene, divalent neutral or charged hydrophilic moieties, -(CH₂CH₂O)_xCH₂CH₂;

R₁₀ and R₁₁ are each independently selected at each occurrence from the group consisting of hydrogen and C₁₋₆alkyl;

x is an integer from about 1 to about 100;

X⁻ is a biocompatible anion;

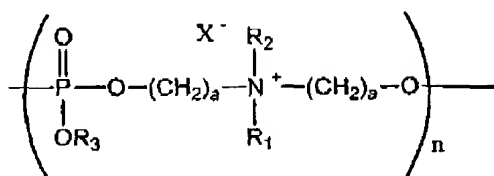
b is a positive integer; and

n is an integer between about 5 and about 2,000.

32. (Original) A micelle of claim 31, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

33. (Original) A micelle of claim 31, wherein the polymer comprises repeat units according to the formula:

K. Leong, et al.
U.S.S.N.: 09/871,602
Page 15



wherein

R₂ and R₃ are each independently selected C₁₋₆alkyl groups;

R₁ is independently selected groups chosen at each occurrence from the group consisting of C₈₋₂₄alkyl, poly(ethylene glycol) alkyl ether, (CR₁₀R₁₁)₆-Y-Z;

Y is $-\text{OCO}_2-$ or $-\text{NR}_{10}\text{CO}_2-$;

Z is alkyl, poly(ethylene glycol) alkyl ether or a steroid derivative;

R₁₀ and R₁₁ are each independently selected at each occurrence from the group consisting of hydrogen, methyl and ethyl;

X⁻ is a biocompatible anion;

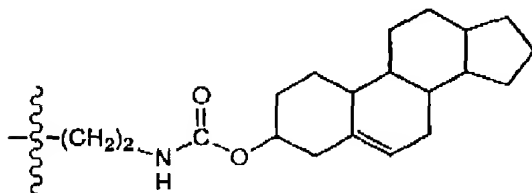
a is an positive integer;

b is a positive integer; and

n is an integer between about 5 and about 2,000.

34. (Original) A micelle of claim 33, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

35. (Original) A micelle of claim 34, wherein R₁ is a group according to the formula



K. Leong, et al.
U.S.S.N.: 09/871,602
Page 16

wherein the steroid ring structure can optionally be substituted at one or more steroid ring atoms with one or more substituents chosen from the group consisting of C_{1-12} alkyl, C_{2-12} alkenyl, C_{2-12} alkynyl, and C_{3-8} cycloalkyl and two or more substituents can combine to form additional carbocyclic or heteroalicyclic rings which can be fused or spiro to the steroid ring structure; or

R_1 is $-(CH_2)_2NHCO_2-R$, wherein R is a straight chain alkyl group having from about 10 to about 24 carbon atoms.

36. (Original) A micelle of claim 35, wherein the micelle further comprises at least one negatively charged or neutral biologically active substance selected from the group consisting of DNA, RNA, proteins, and small molecule therapeutics.

37-71. (Cancelled).